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Solving the “Mickey Mouse” Problem

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Technology Practice Group

Helping businesses innovate with confidence

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- Technology, Media & Telecommunications
- Intellectual Property
- Corporate/M&A
- Projects and Infrastructure
- Privacy and Cybersecurity

What is the “Mickey Mouse” Problem?

- **Generative AI models given simple prompts, produce outputs that closely resemble iconic copyrighted characters or specific artistic styles.**
- **Not just inspired by the originals but can sometimes look identical.**
- **AI “Memorisation” vs “Generalisation” – leading to replicating data almost exactly as it appears in the training material.**
- **Threatens the effectiveness of IP protections, particularly copyright. Existing copyright law was not crafted with AI-generated content in mind, hence little guidance on how to address situations where AI creates outputs substantially similar to copyrighted works.**

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Real World Cases Illustrating the “Mickey Mouse” Problem

Guangzhou Internet Court Ruling on Ultraman

- World’s first legally binding verdict concerning copyright infringement of AI-generated images
- Generative AI services that allow users to create images resembling the iconic Ultraman series
- Defendant had trained its AI model using the original Ultraman images without authorization, leading to the generation of images that not only replicated the character but also reflected elements of the original artistic
- Violation of reproduction rights and adaptation rights
- Ordered to compensate economic losses totalling 10,000 yuan (approx. USD1,400)

Visual Artists’ Class-Action Lawsuit Against Stability AI, Midjourney and DeviantArt

- Class-action lawsuit in the U.S. District Court for Northern California
- Works were used without permission to train various AI image generators, leading to the creation of reconstructed copies that qualify as unauthorized derivative works
- Not only replicated their unique styles but also generate substantial commercial value at the expense of original artists

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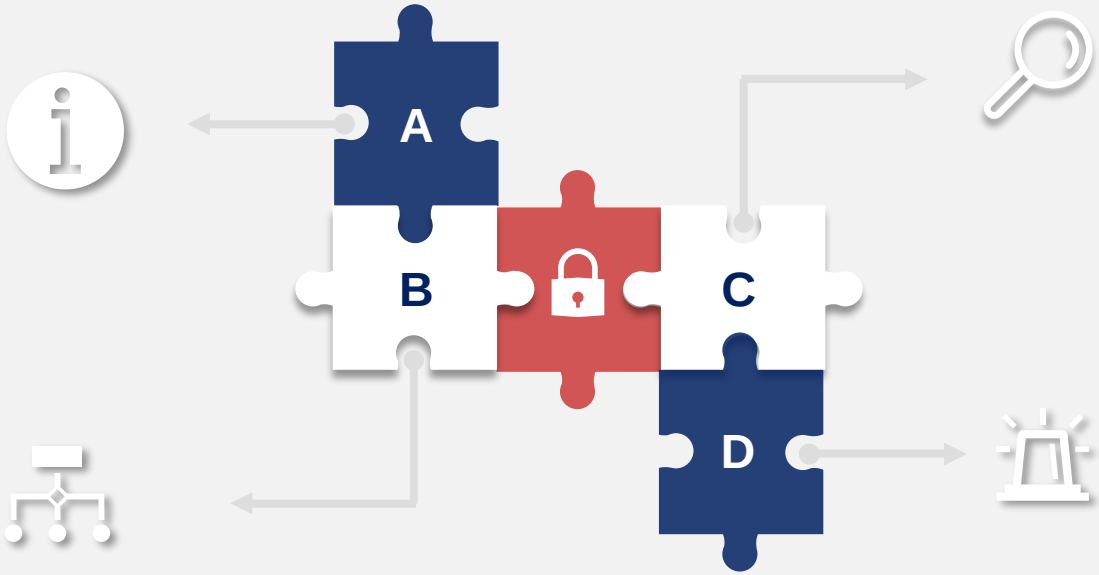
The EU AI Act on “Mickey Mouse Problem”

Express consent from rightsholders

Mandatory copyright compliance policies



Transparency and data disclosure

Global reach and implications for non-EU providers

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